

AO 120 (Rev. 2/99)

<b>TO: Mail Stop 8</b> <b>Director of the U.S. Patent &amp; Trademark Office</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b>	<b>REPORT ON THE</b> <b>FILING OR DETERMINATION OF AN</b> <b>ACTION REGARDING A PATENT OR</b> <b>TRADEMARK</b>
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In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been  
filed in the U.S. District Court Northern District of California on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. <b>CV 11-04760 JSC</b>	DATE FILED 9/23/11	U.S. DISTRICT COURT Northern District of California, San Francisco Division
PLAINTIFF <b>TRANSPERFECT GLOBAL</b>		DEFENDANT <b>MOTIONPOINT CORP</b>
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 <b>6,857,022</b>		
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In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
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CLERK Richard W. Wiekings	(BY) DEPUTY CLERK Gloria Acevedo	DATE
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Copy 1—Upon initiation of action, mail this copy to Commissioner    Copy 3—Upon termination of action, mail this copy to Commissioner  
Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner    Copy 4—Case file copy

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TransPerfect Global, Inc.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

13 TRANSPERFECT GLOBAL, INC.,

14 Plaintiff,

15 v.

16 MOTIONPOINT CORPORATION,

17 Defendant.

cv Case No. 11

COMPLAINT FOR PATENT  
INFRINGEMENT OF U.S. PATENT  
NO. 6,857,022

JURY TRIAL DEMANDED

ORIGINAL  
FILED  
2011 SEP 23 P 3:35  
RICHARD W. LUEKEMEYER  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

E-filing

MR

JSC

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1  
2 Plaintiff TransPerfect Global, Inc. ("TransPerfect"), by way of this Complaint against  
3 Defendant MotionPoint Corporation ("MotionPoint"), states:

4 **THE PARTIES**

5 1. Plaintiff TransPerfect is a Delaware corporation with its principal place of business  
6 at Three Park Avenue, 39th Floor, New York, New York 10016.

7 2. Upon information and belief, Defendant MotionPoint is a Florida corporation with  
8 its principal place of business at 4661 Johnson Road, Suite 14, Coconut Creek, Florida 33073.

9 **NATURE OF THE ACTION**

10 3. This is an action for patent infringement arising under the patent laws of the  
11 United States, 35 U.S.C. §§ 101, *et seq.*

12 **JURISDICTION**

13 4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§  
14 1331 and 1338(a).

15 5. On information and belief, this Court has personal jurisdiction over MotionPoint  
16 because MotionPoint has constitutionally sufficient contacts with California to make personal  
17 jurisdiction proper in this Court. In particular, on information and belief, MotionPoint conducts  
18 and solicits business within this district and elsewhere in California, and derives substantial  
19 revenue from the sales of their products and/or services within this district and elsewhere in  
20 California.

21 6. In addition, on information and belief, MotionPoint has done and continues to do  
22 substantial business with entities in the Northern District of California, including the City of  
23 Salinas. On information and belief, corporations who do business in or with the City of Salinas  
24 must be duly licensed to do business in Salinas.

25 7. On information and belief, MotionPoint specifically markets its translation  
26 services to customers doing business in California who wish to connect with California's  
27 significant Spanish-speaking population.

28 8. TransPerfect's location at 4340 Stevens Creek Blvd, Suite 102, San Jose,  
California 95129 includes a number of engineers who work full-time on developing and

1  
2 supporting the GlobalLink OneLink product. Mark Hagerty, the Chief Technology Officer and  
3 principal architect of the GlobalLink OneLink product, works out of the San Jose location and is a  
4 resident of the state of California. Furthermore, TransPerfect's location at 160 Spear St., San  
5 Francisco, CA 94105 includes over twenty-five employees who work on site development,  
6 project management, and support of GlobalLink OneLink sites for customers utilizing the service.

7 9. MotionPoint's infringement has caused and will continue to cause harm to  
8 TransPerfect and its operations in the Northern District of California in both San Jose and San  
9 Francisco.

10 10. Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and 1400(b).

11 **INTRADISTRICT ASSIGNMENT**

12 11. Pursuant to Civil L.R. 3-2(c), this is an Intellectual Property Action and shall be  
13 assigned on a district-wide basis.

14 **COUNT ONE**

15 **Claim for Infringement of the '022 Patent**

16 12. TransPerfect realleges and incorporates by reference paragraphs 1 through 10.

17 13. By September 29, 2000, a patent application was filed before the United States  
18 Patent and Trademark Office ("PTO"), and on February 15, 2005, the PTO duly and legally  
19 issued United States Patent No. 6,857,022 ("the '022 patent"), entitled "Translation Ordering  
20 System." The named inventor of the '022 patent is Phillip Lee Scanlan. A copy of the '022  
21 patent is attached hereto as Exhibit A.

22 14. The '022 patent has been assigned to TransPerfect. TransPerfect has all right, title,  
23 and interest to the '022 patent, with full authority to bring this action for injunctive relief and  
24 damages.

25 15. The '022 patent discloses and claims one-click translation systems and methods.  
26 Generally, the claimed inventions are systems and methods that provide a translation when a  
27 single action translation component is clicked.

28 16. Defendant MotionPoint is in the business of providing website translation and  
globalization services. On information and belief, MotionPoint infringes the '022 patent by

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2 providing website translations that include the “One-Link Deployment” process (“Accused  
3 Products”). MotionPoint’s website describes the “One-Link Deployment” process by stating that  
4 “When a site is language-enabled using our service, a single ‘language’ link must be added to its  
5 navigation bar for users to access the alternate language site.” See  
6 <http://www.motionpoint.com/our-solutions/motionpoint-frequently-asked-questions/general-faqs/>.  
7 MotionPoint’s webpage further states “The ‘language’ link is a single line of JavaScript code,  
8 which we provide to your IT department, along with insertion instructions.” See *id.*

9 17. MotionPoint has been and is on notice of the ’022 patent. On January 14, 2011,  
10 TransPerfect identified the ’022 patent to MotionPoint in its Patent Local Rules 3-3 contentions in  
11 Case No. CV-10-2590-CW in the Northern District of California as prior art to United States  
12 Patent Nos. 7,580,960, 7,584,216, 7,647,479, and 7,627,817, which purportedly disclose and  
13 claim elements of MotionPoint’s website translation products and services.

14 18. On information and belief, Defendant MotionPoint is in violation of 35 U.S.C. §  
15 271(a) because it has been and is currently infringing, directly and/or indirectly, one or more  
16 claims of TransPerfect’s ’022 patent by, among other things, making, using, importing,  
17 distributing, offering for sale and/or selling the Accused Products without any authority or  
18 license.

19 19. On information and belief, MotionPoint, in violation of 35 U.S.C. § 271(b), has  
20 actively induced and is currently actively inducing infringement of one or more claims of the ’022  
21 patent by knowingly and intentionally encouraging or aiding third parties to infringe the ’022  
22 patent, without authority or license. On information and belief, these third parties include  
23 MotionPoint’s customers, such as, without limitation, the City of Salinas, Best Buy, and Pizza  
24 Hut.

25 20. On information and belief, MotionPoint, in violation of 35 U.S.C. §271(c), has  
26 contributorily infringed and is contributorily infringing one or more claims of the ’022 patent by  
27 providing, selling, or offering for sale, to third parties the Accused Products especially adapted  
28 for use in an infringement of ’022 patent, without authority or license. On information and belief,  
these third parties include MotionPoint customers, such as the City of Salinas, Best Buy, and

1  
2 Pizza Hut.

3 21. On information and belief, MotionPoint's infringement of the '022 patent has been  
4 and continues to be willful and deliberate.

5 22. Defendant MotionPoint's continued infringement, both direct and indirect, of the  
6 '022 Patent has damaged and continues to damage TransPerfect.

7 23. TransPerfect is entitled to recover from MotionPoint all damages it has sustained  
8 as a result of MotionPoint's infringement including lost profits and not less than a reasonable  
9 royalty as well as treble damages.

10 24. MotionPoint's continued infringement, both direct and indirect, of TransPerfect's  
11 patent has caused and will continue to cause TransPerfect irreparable harm unless enjoined.  
12 TransPerfect has no adequate remedy at law.

13 **PRAYER FOR RELIEF**

14 WHEREFORE, Plaintiff TransPerfect prays for the following relief:

15 1. a judgment in favor of TransPerfect finding that MotionPoint has infringed the  
16 '022 patent;

17 2. a permanent injunction enjoining MotionPoint, its officers, agents, servants,  
18 employees, attorneys, and those persons in active concert or participation with any of them, from  
19 directly or indirectly infringing the '022 patent;

20 3. an accounting of damages resulting from MotionPoint's infringement of the '022  
21 patent;

22 4. an award of damages to compensate TransPerfect for MotionPoint's infringement,  
23 and pursuant to 35 U.S.C. § 284, said damages to be trebled because the infringement is and has  
24 been willful;

25 5. an assessment of pre-judgment and post-judgment interest and costs against  
26 MotionPoint, together with an award of such interest and costs, in accordance with 35 U.S.C. §  
27 284;

28 6. an award to TransPerfect of its attorneys' fees incurred in connection with this  
lawsuit pursuant to 35 U.S.C. § 285; and

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2 7. such other and further relief as this Court may deem just and proper.

3 Dated: September 23, 2011

Kasowitz, Benson, Torres & Friedman LLP

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6 By: 

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2 **DEMAND FOR JURY TRIAL**

3 Plaintiff TransPerfect respectfully requests a trial by jury, pursuant to Fed. R. Civ.

4 P. 38(b), on all issues so triable.

5  
6 Dated: September 23, 2011

Kasowitz, Benson, Torres & Friedman LLP

7  
8 By: 

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10 Joseph H. Lee

11 Lawrence Okey Onyejekwe Jr.

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